

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1677 of 1999

in

SPECIAL CIVIL APPLICATION No 548 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

REKHABEN H DOBARIA

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

MR ANSHIN H DESAI for Appellant

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE D.P.BUCH

Date of decision: 17/12/1999

ORAL JUDGEMENT

Admitted. Mr Mishra, learned Advocate waives
service of notice of admission on behalf of the
respondents. In the facts and circumstances of the case,

the matter is taken up for final hearing today.

2. This appeal is filed against an interlocutory order passed by the learned single Judge in Special Civil Application No.548 of 1999. The petition was admitted by issuing Rule, but interim relief was refused. In this LPA, we had issued notice pursuant to which the parties have appeared. We have heard them finally.

3. Learned Advocate for the appellant stated that almost an identical situation arose in LPA No.541 of 1999 and the following order was passed by the Division Bench on 6.5.1999:

"This appeal is filed against an interlocutory order passed by the learned single Judge in SCA 552 of 1999. The petition was admitted by issuing rule but the interim relief was refused. Notice was issued pursuant to which the parties have appeared. Mr Mishra for respondent no.2 states that if the appellant-petitioner will make a representation within one week from today, the respondent no.2 will consider it in its proper perspective and pass an appropriate order thereon.

2. In view of the said statement, the learned counsel for the appellant seeks permission to withdraw LPA as well as Special Civil Application no.552 of 1999 which is admitted and pending before the learned single Judge.

3. We may state that we are not expressing any opinion on merits of the matter and hence neither disposal of Letters Patent Appeal nor Special Civil Application will come in the way of the appellant-petitioner, if necessity arises. Notice discharged. No costs. Direct Service."

4. In the facts and circumstances of the case, in this case also, pursuant to the prayer made by the learned Advocate for the appellant, permission to withdraw this LPA as well as Special Civil Application No.548 of 1999 which is pending before the learned single Judge is granted. Liberty to the appellant to make representation/application before respondent No.2 is also granted. The said authority will consider the same in its right perspectives and will pass appropriate order thereof.

5. We may state that we are not expressing any opinion on merits of the matter and hence neither disposal of Letters Patent Appeal nor Special Civil Application will come in the way of the appellant-petitioner, if necessity arises. This LPA as well as the Special Civil Application are accordingly disposed of. No costs. Direct Service is permitted.

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msp.